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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,831	04/29/2002	Henri Peter Maria Van Seumeren	02-015	2358

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EXAMINER

GIBSON, RANDY W.

ART UNIT PAPER NUMBER

2841

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

K8

<b>Office Action Summary</b>	<b>Application No.</b> 10/030,831	<b>Applicant(s)</b> VAN SEUMEREN, HENRI PETER MARIA	
	<b>Examiner</b> Randy W. Gibson	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/13/04</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed May 13, 2004 have been fully considered but they are not persuasive. Exactly what the applicant means by "non-load bearing" sensors is unclear since the strain gage sensor of applicant's device is attached to a part of the frame that is stressed by the applied load -- otherwise the sensor would not be able to measure weight. It appears that what applicant means by "non-load bearing" is that the strain gages are not part of the forks that lie directly under the load but rather are located on another part of the frame to measure stress at that location instead.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 803,717 A. As shown in Figure 1, the sensors 7 are "non-load bearing" as applicant has defined it in his specification; that is, the strain gages are not part of the forks that lie directly under the load but rather are located on another part of the frame to measure stress at that location.

4. Claims 1-5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (US # 5,637,946). Johnson et al discloses the claimed invention including a strain gage on a substrate located on a part of the fork lift frame that mutually

connects the forks (Fig. s 5, 6, & 7). As shown in Figure 5, the sensors 140 are "non-load bearing" as applicant has defined it in his specification; that is, the strain gages are not part of the forks that lie directly under the load but rather are located on another part of the frame to measure stress at that location.

5. Claims 1-5, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley (US # 4,421,186). Bradley discloses the claimed invention including a strain gage on a substrate located on a part of the fork lift frame that mutually connects the forks (Fig.s 2-7). As shown in Figure 3, the sensors 52,54 are "non-load bearing" as applicant has defined it in his specification; that is, the strain gages are not part of the forks that lie directly under the load but rather are located on another part of the frame to measure stress at that location.

6. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2,752,298. As shown in Figure 6, the sensors 26 are "non-load bearing" as applicant has defined it in his specification; that is, the strain gages are not part of the forks that lie directly under the load but rather are located on another part of the frame to measure stress at that location.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 803,717 A in view of FR 2,752,298. In the EP patent, the housing which contains the display is separate from the housing which contains the sensors. However, the French patent shows that it is known to place the display close to the load sensors (Fig.s 5 & 6), and therefore it would have been obvious to the ordinary practioner to modify the EP patent to combine the junction box and display into one housing since this was an art recognized alternative arrangement.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US # 5,637,946) in view of FR 2,752,298. In Johnson, the housing which contains the display is separate from the housing which contains the sensors. However, the French patent shows that it is known to place the display close to the load sensors (Fig.s 5 & 6), and therefore it would have been obvious to the ordinary practioner to modify Johnson to combine the junction box and display into one housing since this was an art recognized alternative arrangement.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradley (US # 4,421,186) in view of FR 2,752,298. In Bradley, the housing which contains the display is separate from the housing which contains the sensors. However, the French

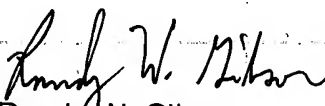
patent shows that it is known to place the display close to the load sensors (Fig.s 5 & 6), and therefore it would have been obvious to the ordinary practitioner to modify Bradley to combine the junction box and display into one housing since this was an art recognized alternative arrangement.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Randy W. Gibson  
Primary Examiner